



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 28 मई, 1977/7 ज्येष्ठ, 1899

GOVERNMENT OF HIMACHAL PRADESH

GENERAL ADMINISTRATION DEPARTMENT
(CONFIDENTIAL AND CABINET)

NOTIFICATION

Simla-2; the 11th May, 1977

No. GAD(PA)-4(D)-16/77(CC).—The following Proclamation by the President is published for general information:—

PROCLAMATION

Whereas, I, Basappa Danappa Jatti, Vice-President acting as President of India, am satisfied that a situation has arisen in which the Government of Himachal Pradesh cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as "the Constitution");

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and all other powers enabling me in that behalf, I hereby proclaim that I—

- (a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State;

- (b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and
- (c) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this Proclamation, namely:—

(i) (in) the exercise of the functions and powers assumed to myself by virtue of clause (a) of this Proclamation as aforesaid, it shall be lawful for me as President of India to act to such extent as I think fit through the Governor of the said State;

(ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended, namely;

so much of the proviso to article 3 as relates to the reference by the President to the Legislative of the State;

so much of clause (2) of article 151 as relates to the laying before the Legislature of the State of the report submitted to the Governor by the Comptroller and Auditor General of India; articles 163 and 164;

so much of clause (3) of article 166 as relates to the allocation among the Ministers of the business of the Government of the State; article 167 and so much of clause (1) of article 169 as relates to the passing of a resolution by the Legislative Assembly of a State;

Clause (1) and sub-clause (a) of clause (2) of article 174; articles 175 to 178 (both inclusive) clauses (b) and (c) of article 179 and the first proviso to that article and articles 180 and 181; so much of article 186 as relates to the salaries and allowances of the Deputy Speaker of the Legislative Assembly; articles 188; 189, 193, 194, 195 and 196; article 198; clauses (3) and (4) of article 199; articles 200 and 201;

so much of clause (3) of article 202 as relates to the salaries and allowances of the Deputy Speaker of the Legislative Assembly; articles 208 to 211 (both inclusive); the proviso to clause (1) and the proviso to clause (3) of article 213; and

so much of clause (2) of article 323 as relates to the laying of the report with a memorandum before the Legislature of the State;

(iii) the Legislative Assembly of the said State is hereby dissolved;

(iv) any reference in the Constitution to the Governor shall in relation to the said State be construed as a reference to the President and any reference therein to the Legislature of the State or the Houses thereof shall, in so far as it relates to the functions and powers thereof, be construed, unless the context otherwise requires, as a reference to Parliament, and, in particular, the references in article 213 to the Governor and to the Legislature of the State or the House thereof shall be construed as references to the President and to Parliament or the Houses thereof respectively;

Provided that nothing herein shall affect the provision of article 153, articles 155 to 159 (both inclusive), article 299 and article 361 and paragraphs 1 to 4 (both inclusive) of the Second Schedule or prevent the President from acting under sub-clause (i) of this clause to such extent as he thinks fit through the Governor of the said State.

(v) any reference in the Constitution to Acts or laws of or made by the Legislature of the State shall be construed as including a reference to Acts or laws made, in exercise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution and the Himachal

Pradesh General Clauses Act, 1968 (Himchal Pradesh Act 16 of 1969), as in force in the State of H.P. and so much of the General Clauses Act, 1897 (10 of 1897), as applies to State Laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

B. D. JATTI,
Vice-President acting as President.

New Delhi,
the 30th April, 1977.

[No. V/11013/3/77-S&P(D.V.)]

T.C.A. SRINIVASAVARADAN,
Secretary.

New Delhi,
the 30th April, 1977.

ORDER

In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on this the 30th day of April, 1977, by me under article 356 of the Constitution of India, I hereby direct that all the functions of the Government of the State of Himachal Pradesh and all the powers vested in or exercisable by the Governor of the State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State.

B. D. JATTI,
Vice-President acting as President.

New Delhi,
the 30th April, 1977.

[No. V/11013/3/77-S&P (D.V.)]

T. C. A. SRINIVASAVARADAN,
Secretary.

New Delhi,
the 30th April, 1977.

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-2, the 24/25th May, 1977

No. 4-11/69-Tpt.—In supersession of this Government notification of even number, dated the 22nd March, 1977, and in exercise of the powers conferred by Section 44 of the Motor Vehicles Act, 1939 (IV of 1939), and all other powers enabling him in this behalf, the President is pleased to appoint the Deputy General Manager (Administration), H.P. Simla as Non-Member Secretary of the State Transport Authority, Himachal Pradesh, in place of Regional Transport Officer, Simla, *w.e.f.* 16-5-1977.

B. C. NEGI,
Secretary.

